

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA, : Case No. 3:07cr0183 (7)
Plaintiff, :
v. : UNITED STATES' MOTION
: FOR PRETRIAL DETENTION
DELOREAN DAVIS a/k/a Dee-Lo
Defendant. :

The United States hereby moves for pretrial detention of this defendant for the following reasons.

Alternative 1: 18 U.S.C. § 3142(f)(1)

X The offense with which the defendant is charged is a federal offense that is (choose at least one of the following):

- A. a crime of violence as defined in 18 U.S.C. § 3156(a)(4).
- X B. an offense for which the maximum sentence is life imprisonment or death.
- X C. an offense for which a maximum term of imprisonment of 10 years or more is prescribed in:
- X (1) the Controlled Substance Act (21 U.S.C. §§ 801 et seq.);
- (2) the Controlled Substances Import and Export Act (21 U.S.C. §§ 951 et seq.); or
- (3) Section 1 of the Act of September 15, 1980 (formerly 21 U.S.C. § 955a, now 46 U.S.C. § 1903).

(See Alternative 3 for rebuttable presumption)

- _____ D. a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C) or comparable state or local offenses.

Alternative 2: 18 U.S.C. § 3142(e)
(Rebuttal Presumption of Dangerousness)
(Both elements must be present)

_____ The defendant is charged with an offense described in Alternative 1, and the defendant had previously been convicted of an offense described in Alternative 1, or of a State or local offense that would have been an offense described in Alternative 1 if a circumstance giving rise to federal jurisdiction had existed, which prior offense was committed while the defendant was on release pending trial for a federal, state, or local offense; and

_____ A period of not more than five years has elapsed since the date of conviction or release of the defendant from imprisonment for the offense of which the defendant was previously convicted.

Alternative 3: 18 U.S.C. § 3142(e)
(Rebuttal Presumption of Dangerousness/Flight Risk)

X There is probable cause to believe that the defendant has committed the offense with which he is charged and that the offense is an offense (choose at least one of the following):

X for which the maximum term of imprisonment of 10 years or more is prescribed in

X (a) the Controlled Substances Act
(21 U.S.C. §§ 801 et seq.);

_____ (b) the Controlled Substances
Import and Export Act
(21 U.S.C. §§ 951
et seq.); or

_____ (c) Section 1 of the Act of
September 15, 1980
(formerly 21 U.S.C.
§ 955a, now 46 U.S.C.
§ 1903).

X under 18 U.S.C. § 924(c) involving the use
or carrying of a firearm.

Alternative 4: 18 U.S.C. § 3142(f)(2)
(Choose at least one of the following)

_____ There is a serious risk that the defendant will flee.

_____ There is a serious risk that the defendant will
(obstruct or attempt to obstruct justice)/(threaten,
injure, or intimidate a prospective witness or juror,
or attempt to do so).

Alternative 5: 18 U.S.C. § 3142(d)

_____ Because the defendant may flee or pose a danger to
another person or the community, the United States
Attorney seeks temporary detention for 10 days to
permit revocation of conditional release, deportation,
or exclusion, for at least one of the following
reasons:

- _____ A. Defendant was on release pending trial for
a felony at the time the offense was
committed;
- _____ B. Defendant was on release pending imposition
or execution of sentence, appeal, or
completion of sentence at the time the
offense was committed;
- _____ C. Defendant was on probation or parole at the
time the offense was committed;
- _____ D. Defendant is an alien not admitted to the
United States for permanent residence.

Alternative 6: 18 U.S.C. § 3142(f)(2)

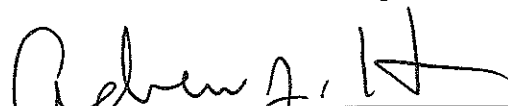
X

The United States Attorney seeks a continuance of three days to hold a detention hearing.

The United States Attorney seeks a continuance of _____ days, for good cause, to hold a detention hearing.
(Specify cause.)

Respectfully submitted,

GREGORY G. LOCKHART
United States Attorney

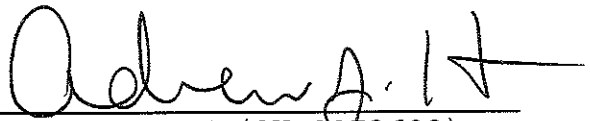


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CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading was
_____ mailed X personally given to:

on this 21 day of November, 2007.



ANDREW J. HUNT (OH 0073698)
Assistant United States Attorney